

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SIXTY-SEVENTH LEGISLATIVE DAY
THURSDAY, MARCH 16, 2006

Senate Chamber

At the request of President Pro Tempore Geddes, Senator Darrington called the Senate to order at 9 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Brandt, Coiner, Pearce, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Katie Twiggs, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 15, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SP 101

BY STATE AFFAIRS COMMITTEE

A PROCLAMATION

COMMENDING GENERAL WOO-JOO CHANG FOR HIS SERVICE AND DEDICATION TO THE STATE OF IDAHO AS IDAHO'S OFFICIAL REPRESENTATIVE IN KOREA.

We, the members of the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby proclaim:

WHEREAS, General Woo-Joo Chang has served as the Official Representative of the State of Idaho at the Korea Representative Office since 1988; and

WHEREAS, South Korea is one of Idaho's top ten trading partners; and

WHEREAS, General Chang has had a long and distinguished military, business and government career; and

WHEREAS, General Chang's background includes serving as Dean of Faculty for the National Defense College, as Commanding General for the 3rd Infantry Division, and as Secretary General for the first South-North Korea Talks; and

WHEREAS, General Chang's business expertise includes serving as President of the Korea Overseas Construction Corporation and as President of Hyundai Corporation and five Hyundai Group Companies; and

WHEREAS, General Chang is Chairman of the Korea Military Academy Foundation and founded the Korean-American Business Institute; and

WHEREAS, General Chang holds degrees from the Korean Military Academy, U.S. Army Command and General Staff College, the National Defense College and the Harvard Business School; and

WHEREAS, General Chang has helped foster government relations and expand business opportunities for the state of Idaho; and

WHEREAS, the state of Idaho has benefitted greatly from General Chang's representation in Korea.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the Senate assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, that we wish to honor and commend General Chang for his service and dedication to the state of Idaho as Idaho's Official Representative in Korea.

SP 101 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Coiner, Pearce, and Stennett were recorded present at this order of business.

March 16, 2006

The JUDICIARY AND RULES Committee reports that S 1449, S 1450, S 1451, and S 1452 have been correctly printed.

DARRINGTON, Chairman

S 1449, S 1450, S 1451, and S 1452 were referred to the Finance Committee.

March 15, 2006

The STATE AFFAIRS Committee reports out H 696 with the recommendation that it do pass.

BURTENSHAW, Chairman

H 696 was filed for second reading.

March 15, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 724**, **H 688**, and **H 706** with the recommendation that they do pass.

BUNDERSON, Chairman

H 724, **H 688**, and **H 706** were filed for second reading.

March 16, 2006

The FINANCE Committee reports out **S 1449**, **S 1450**, **S 1451**, and **S 1452** with the recommendation that do pass.

CAMERON, Chairman

S 1449, **S 1450**, **S 1451**, and **S 1452** were filed for second reading.

President Pro Tempore Geddes and Senators Brandt and Stegner were recorded present at this order of business.

March 15, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 545**, **H 640**, and **HCR 38** with the recommendation that they do pass.

SCHROEDER, Chairman

H 545 and **H 640** were filed for second reading.

HCR 38 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 15, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 541** and **H 638** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

SCHROEDER, Chairman

H 541 and **H 638** were filed for second reading.

March 15, 2006

The JUDICIARY AND RULES Committee reports out **H 602**, as amended, and **H 762** with the recommendation that they do pass.

DARRINGTON, Chairman

H 602, as amended, and **H 762** were filed for second reading.

March 15, 2006

The JUDICIARY AND RULES Committee reports out **S 1441** and **H 713**, as amended, with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1441** and **H 713**, as amended, were referred to the Fourteenth Order of Business, General Calendar.

March 15, 2006

The HEALTH AND WELFARE Committee reports out **H 709**, as amended, **H 719**, as amended, and **H 738**, as amended, with the recommendation that they do pass.

COMPTON, Chairman

H 709, as amended, **H 719**, as amended, and **H 738**, as amended were filed for second reading.

March 15, 2006

The EDUCATION Committee reports out **H 684** with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

GOEDDE, Chairman

H 684 was filed for second reading.

March 15, 2006

The EDUCATION Committee reports out **HCR 58** and **H 752** with the recommendation that they do pass.

GOEDDE, Chairman

H 752 was filed for second reading.

HCR 58 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 15, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **HCR 54**, **H 686**, **H 687**, and **H 729** with the recommendation that they do pass.

BUNDERSON, Chairman

HCR 54 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 686, **H 687**, and **H 729** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 15, 2006

Mr. President:

I transmit herewith **HCR 49, HCR 51, HCR 53, H 714**, as amended, **H 793, H 794, H 787, H 731, H 739, H 796, H 797, H 798, H 799, HCR 48, HCR 52**, and **H 668** which have passed the House.

JUKER, Chief Clerk

HCR 49, HCR 51, HCR 53, H 714, as amended, **H 793, H 794, H 787, H 731, H 739, H 796, H 797, H 798, H 799, HCR 48, HCR 52**, and **H 668** were filed for first reading.

March 15, 2006

Mr. President:

I return herewith **S 1259, S 1383, S 1348, S 1260, S 1317, S 1316**, and **S 1360** which have passed the House.

JUKER, Chief Clerk

S 1259, S 1383, S 1348, S 1260, S 1317, S 1316, and **S 1360** were referred to the Judiciary and Rules Committee for enrolling.

March 15, 2006

Mr. President:

I return herewith Enrolled **S 1268, S 1269, S 1270, S 1271, S 1272**, and **S 1301** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1268, S 1269, S 1270, S 1271, S 1272**, and **S 1301** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Lodge, granted by unanimous consent, **SCR 132**, having been held, retained its place on the calendar for one legislative day.

The Acting President announced that **SJM 120** was before the Senate for final consideration.

Moved by Senator Little, seconded by Senator Malepeai, that **SJM 120** be adopted. The question being, "Shall the memorial be adopted?"

Roll call vote was requested by Senators Stennett, Little, and Schroeder.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Pearce. Total - 1.

Total - 35.

Whereupon the Acting President declared **SJM 120** adopted, title was approved, and the memorial ordered transmitted to the House.

The Acting President announced that **HCR 56** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McGee, seconded by Senator Malepeai, **HCR 56** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1453**BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO THE OFFICE OF THE GOVERNOR; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 67-821 AND 67-822, IDAHO CODE, TO ESTABLISH THE GOVERNOR'S OFFICE FOR FAMILIES AND CHILDREN, TO PROVIDE FOR THE PURPOSE OF THE OFFICE, TO PROVIDE FOR THE APPOINTMENT OF AN ADMINISTRATOR, TO PROVIDE FOR DUTIES, POWERS AND AUTHORITIES FOR THE OFFICE, TO REQUIRE THE PREPARATION OF AN ANNUAL REPORT AND TO CREATE IN THE STATE TREASURY THE OFFICE FOR FAMILIES AND CHILDREN FUND.

S 1454**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1455**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO JUVENILE MENTAL HEALTH SERVICES.

S 1453, S 1454, and S 1455 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 49, HCR 51, and HCR 53, by State Affairs Committee, were introduced, read at length, and referred to the Health and Welfare Committee.

H 714, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 793 and H 794, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 787, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 731, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 739, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 796, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 797, H 798, and H 799, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

HCR 48 and HCR 52, by State Affairs Committee, were introduced, read at length, and referred to the Health and Welfare Committee.

H 668, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 788, by Appropriations Committee, was read the second time at length and filed for third reading.

H 652 and H 653, by Business Committee, were read the second time at length and filed for third reading.

H 722, by State Affairs Committee, was read the second time at length and filed for third reading.

H 562, as amended, by Transportation and Defense Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 514, H 515, and H 599, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

H 513 and H 412, by Agricultural Affairs Committee, were read the second time at length and filed for third reading, Consent Calendar.

H 734, by State Affairs Committee, was read the second time at length and filed for third reading.

H 712, by Education Committee, was read the second time at length and filed for third reading.

H 648, as amended in the Senate, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 624, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

H 561, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 673, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1243, as amended, by Brandt, was read the second time at length and filed for third reading.

S 1386, as amended, by Resources and Environment Committee, was read the second time at length and filed for third reading.

S 1423, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1443 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1443** passed, title was approved, and the bill ordered transmitted to the House.

S 1444 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1444** passed, title was approved, and the bill ordered transmitted to the House.

S 1445 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1445** passed, title was approved, and the bill ordered transmitted to the House.

S 1446 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Sweet, Werk, Williams. Total - 31.

NAYS--Schroeder. Total - 1.

Absent and excused--Davis, Stegner, Stennett. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1446** passed, title was approved, and the bill ordered transmitted to the House.

S 1447 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1447** passed, title was approved, and the bill ordered transmitted to the House.

S 1427 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Marley and Bunderson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1427** passed, title was approved, and the bill ordered transmitted to the House.

H 609, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Burtenshaw, Cameron, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McKenzie, Pearce, Richardson, Stegner, Williams. Total - 17.

NAYS--Andreason, Broadsword, Bunderson, Burkett, Coiner, Compton, Corder, Fulcher, Gannon, Kelly, Langhorst, Malepeai, Marley, McGee, Schroeder, Stennett, Sweet, Werk. Total - 18.

Total - 35.

Whereupon the Acting President declared that **H 609** had failed to pass the Senate and ordered the bill returned to the House.

H 707 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Davis, Kelly, and Langhorst arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 707** passed, title was approved, and the bill ordered returned to the House.

H 694 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 694** passed, title was approved, and the bill ordered returned to the House.

H 526 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Broadsword, Goedde, Jorgenson. Total - 3.

Absent and excused--Coiner. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 526** passed, title was approved, and the bill ordered returned to the House.

H 529 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the Acting President declared **H 529** passed, title was approved, and the bill ordered returned to the House.

H 766 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 766** passed, title was approved, and the bill ordered returned to the House.

H 767 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 767** passed, title was approved, and the bill ordered returned to the House.

H 782 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 782** passed, title was approved, and the bill ordered returned to the House.

H 783 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 783** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 637** and **H 544** retained their place on the Third Reading Calendar.

H 716 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 716** passed, title was approved, and the bill ordered returned to the House.

The Senate considered the Consent Calendar:

H 567 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 567** passed, title was approved, and the bill ordered returned to the House.

H 517 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 517** passed, title was approved, and the bill ordered returned to the House.

H 659 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 659** passed, title was approved, and the bill ordered returned to the House.

H 727 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 727** passed, title was approved, and the bill ordered returned to the House.

H 613, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 613**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 646 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 646** passed, title was approved, and the bill ordered returned to the House.

H 649 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 649** passed, title was approved, and the bill ordered returned to the House.

H 520 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 520** passed, title was approved, and the bill ordered returned to the House.

H 521 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 521** passed, title was approved, and the bill ordered returned to the House.

H 433 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 433** passed, title was approved, and the bill ordered returned to the House.

H 522 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 522** passed, title was approved, and the bill ordered returned to the House.

H 524 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 524** passed, title was approved, and the bill ordered returned to the House.

H 525 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 525** passed, title was approved, and the bill ordered returned to the House.

H 527 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 527** passed, title was approved, and the bill ordered returned to the House.

H 528 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 528** passed, title was approved, and the bill ordered returned to the House.

H 639 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 639** passed, title was approved, and the bill ordered returned to the House.

H 636 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 636** passed, title was approved, and the bill ordered returned to the House.

H 546 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 546** passed, title was approved, and the bill ordered returned to the House.

H 576 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 576** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The Acting President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1393**, **H 582**, and **H 680**, without recommendation and without amendment; and **H 695**, **H 717**, as amended in the Senate, and **S 1418**, without recommendation, amended as follows:

SENATE AMENDMENT TO H 695

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 10, delete "boards" and insert: "boards; provided however, that any governing body using

the emergency communication fee to pay the salaries of dispatchers as of March 1, 2006, may continue to do so until the beginning of such governing body's 2007 fiscal year".

CORRECTIONS TO TITLE

On page 1, in line 4, delete "APPLICATIONS AND TO" and insert: "APPLICATIONS, TO"; and in line 5, following "PAYMENTS" insert: "AND TO PROVIDE FOR APPLICATION".

SENATE AMENDMENT TO THE SENATE AMENDMENT TO H 717

AMENDMENT TO THE AMENDMENT TO SECTION 1

On page 1 of the printed amendment, delete lines 2 and 3 and insert:

"On page 1 of the printed bill, delete line 16 and insert: "at a convenient location in a county in which any portion of the legislative district sits."".

CORRECTION TO THE CORRECTION TO TITLE

On page 1, delete line 5 and insert:

"On page 1, delete lines 5 and 6 and insert: "NIENT LOCATION IN A COUNTY IN WHICH ANY PORTION OF THE LEGISLATIVE DISTRICT SITS, WITHIN ELEVEN DAYS AFTER THE PRIMARY ELECTION; AND DECLARING AN EMERGENCY."".

SENATE AMENDMENT TO S 1418 AMENDMENTS TO THE BILL

On page 2 of the printed bill, delete lines 7 through 53; delete pages 3, 4 and 5 and insert:

"SECTION 2. That Chapter 52, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-5215, Idaho Code, and to read as follows:

33-5215. PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A professional-technical regional public charter school is hereby declared to be a public charter school and as such, the provisions of chapter 52, title 33, Idaho Code, shall apply to each professional-technical regional public charter school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) In addition to the approval provisions of this chapter, approval of a professional-technical regional public charter school by an authorized chartering entity shall not be final until the petition has also been reviewed by the division of professional-technical education.

(3) Funding for a professional-technical regional public charter school shall be the same as provided in section 33-5208, Idaho Code, except that:

(a) The salary-based apportionment for a professional-technical regional public charter school shall be the statewide average index for public charter schools;

(b) The board of directors may cooperatively enter into written contracts to engage the services of specialized personnel, to procure the use of facilities and equipment, and to purchase materials and equipment, which in the judgment of the board of directors is necessary or desirable for the conduct of the business of the professional-technical regional public charter school. Such

salary-based apportionment may be used for payment of contracted service agreements or for direct hire of staff. Certificated teachers shall be under contract with an Idaho public school entity; and

(c) Transportation support shall be paid to the professional-technical regional public charter school in accordance with the provisions of chapter 15, title 33, Idaho Code.

(4) A professional-technical regional public charter school shall provide assurances in state attendance reports that it has verified attendance reports, which generate ADA with its participating school districts, to make certain that the districts and the charter school do not duplicate enrollment or ADA claims."

CORRECTIONS TO TITLE

On page 1, in line 3, following "SCHOOL"; insert: "AND"; and delete lines 4 through 9 and insert: "CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5215, IDAHO CODE, TO PROVIDE FOR PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS AND TO PROVIDE FOR APPLICATION OF PUBLIC CHARTER SCHOOL LAW TO PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS WITH EXCEPTIONS FOR CERTAIN CONDITIONS AND APPLICATIONS AS SPECIFIED."

The Committee also has **S 1387, S 1241, H 676, H 421, H 422, H 678, and H 679**, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

S 1418, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 695, as amended in the Senate, and **H 717**, as amended in the Senate, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

S 1393, H 582, and H 680 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senator Cameron, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

Senator Cameron was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 676**, without recommendation, amended as follows:

SENATE AMENDMENT TO H 676

AMENDMENTS TO SECTION 2

On page 1 of the printed bill, in line 42, delete "1" and insert: "."; on page 2, delete lines 1 through 4; in line 24, following "(5)" insert: "If the land qualified for exemption pursuant to section 63-602FF, Idaho Code, in 2005, then the land will qualify in 2006 for the exemption pursuant to section 63-602K, Idaho Code, upon the filing of a statement by the owner with the board of county commissioners that the land will be actively devoted to agriculture pursuant to this section in 2006."

(6);
in line 28, delete "(6)" and insert: "(7)".

CORRECTION TO TITLE

On page 1, delete lines 4 through 6 and insert: "MENT PLAT; AMENDING SECTION 63-604, IDAHO CODE, TO PROVIDE THAT IF LAND QUALIFIED FOR THE EXEMPTION IN SECTION 63-602FF, IDAHO CODE, IN 2005, THE LAND WILL QUALIFY IN 2006 FOR THE SPECULATIVE PORTION OF AGRICULTURAL LAND EXEMPTION UPON THE FILING OF A STATEMENT BY THE OWNER WITH THE BOARD OF COUNTY COMMISSIONERS THAT THE LAND WILL BE ACTIVELY DEVOTED TO AGRICULTURE IN 2006, TO PROVIDE THAT PLATTING LAND ACTIVELY".

The Committee also has **S 1387, S 1241, H 421, H 422, H 678, H 679, S 1441, and H 713**, as amended, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

H 676, as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:30 p.m. until the hour of 9 a.m., Friday, March 17, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary